BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

LEMOORE UNION ELEMENTARY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022080193

# ORDER GRANTING MOTION TO AMEND COMPLAINT

FEBRUARY 1, 2023

On August 5, 2022, Lemoore Union Elementary School District filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH. On January 30, 2023, Lemoore filed a Motion to Amend the Due Process Hearing Request and a proposed amended complaint. No written response was received from Student at the time of this Order, though Parent informed the OAH case manager that she opposed the motion.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C.

§1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Lemoore did not file this motion three business days prior to the prehearing conference. However, good cause is found for the delayed filing as Lemoore seeks to amend its complaint to include a January 30, 2023 individualized education program amendment. The motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All pending dates are vacated. All applicable timelines shall be reset as of the date of this order. (d).) OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

*Theresa Ravandi*

Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings